

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 4, 2008

Charles R. Fulbruge III
Clerk

No. 08-40207
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

OMAR GONZALEZ-FERNANDEZ, also known as Omar Fernandez-Gonzalez,
also known as Carlos Gonzalez-Hernandez, also known as Carlos Manuel
Gonzalez-Hernandez, also known as Omar Hernandez-Gonzalez

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:07-CR-1456-ALL

Before REAVLEY, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Omar Gonzalez-Fernandez appeals the sentence imposed following his guilty plea conviction for illegal reentry following a previous deportation. He argues that the district court's written judgment of sentence conflicts with its oral pronouncement of sentence. The Government agrees.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

At the sentencing hearing, the district court imposed a supervised release term of two years. However, the written judgment reflects a three-year term of supervised release. Because the written judgment in this case conflicts with the oral pronouncement of judgment, the oral pronouncement controls. See *United States v. Martinez*, 250 F.3d 941, 942 (5th Cir. 2001). Accordingly, the case is remanded for the district court to amend its written judgment to conform to its oral pronouncement of sentence. See *id.*

REMANDED.